

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC.	)	
PRODUCTS LIABILITY LITIGATION	)	MDL No. 1:13-md-2419-RWZ
	)	

This Document Relates To:

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WILLIAM LEWIS and NANCY LEWIS, H/W	)	
	)	
v.	)	
	)	
NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC.;	)	MDL No. 1:14-cv-10433-RWZ
AMERIDOSE, LLC;	)	
ALAUNUS PHARMACEUTICAL, LLC;	)	
NAZARETH HOSPITAL;	)	
MERCY HEALTH SYSTEM;	)	
WILLIAM A. ANDERSON, M.D.; and	)	
THE ROTHMAN INSTITUTE a/k/a and/or d/b/a	)	
THE ROTHMAN INSTITUTE AT NAZARETH	)	JURY TRIAL DEMANDED
HOSPITAL	)	

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**MOTION OF DEFENDANTS, WILLIAM A. ANDERSON, M.D. AND THE ROTHMAN  
INSTITUTE A/K/A AND/OR D/B/A THE ROTHMAN INSTITUTE AT NAZARETH  
HOSPITAL FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**

Moving defendants, William A. Anderson, M.D. and The Rothman Institute a/k/a and/or d/b/a The Rothman Institute at Nazareth Hospital, by and through their attorneys, O'Brien and Ryan, LLP, respectfully move this Honorable Court to extend the deadline for filing a responsive pleading to plaintiffs' short form complaint in the Lewis v. New England Compounding Pharmacy, Inc., et al. case, which is associated with this MDL.

1. Counsel for moving defendants have reached out to plaintiffs' counsel on a number of occasions in order to obtain consent for an extension; however, counsel has not responded in any fashion. Accordingly, this motion is being filed.

2. On January 15, 2014, plaintiffs commenced an action against moving defendants in the Philadelphia Court of Common Pleas by filing a Complaint. Plaintiffs' Complaint set forth causes of action against moving defendants for products liability, breach of implied and express warranties, and medical negligence related to alleged personal injuries sustained as a result of receiving a steroid injection (triamnicolone acetonide) manufactured by New England Compounding Pharmacy, Inc. on September 25, 2013. Certificates of Merit were not filed at that time, but were filed on or about March 11, 2014.

3. Prior to the filing of plaintiffs' complaint, MDL 2419 *In re New England Compounding Pharmacy, Inc. Products Liability Litigation* was created in the United States District Court for the District of Massachusetts for the purpose of centralizing all cases relating to injuries arising from the alleged contamination of injectable steroids at the New England Compounding Pharmacy.

4. Accordingly, upon receipt of the complaint, on February 7, 2014, counsel for co-defendant, Ameridose, LLC, filed a Notice of Removal to the United States District Court for the Eastern District of Pennsylvania.

5. Thereafter, counsel filed a Notice of Tag Along with the JPML initiating the process for transfer to MDL No. 2419, which was subsequently transferred on or about February 26, 2014.

6. On May 6, 2014, moving defendants filed an answer to plaintiffs' complaint with new matter.

7. Thereafter, on September 5, 2014, counsel for moving defendants filed a motion for partial judgment on the pleadings.

8. Seven days later, on September 12, 2014, counsel for plaintiffs filed a short form complaint.

9. Additionally, on September 19, 2014, counsel for plaintiffs filed a response to moving defendants' motion for judgment on the pleadings.

10. Plaintiffs' short form complaint contains several claims against defendants for which relief cannot be granted such as a wrongful death claim based on treatment to a patient who has not died.

11. Since receiving plaintiffs' response to moving defendants' motion for judgment on the pleadings, counsel for moving defendants have attempted to reach out to plaintiffs' counsel to discuss the claims in which plaintiffs intend to bring against moving defendants.

12. Despite plaintiffs' counsel assurances that we would hear back from them, no response has been received.

13. Pursuant to Fed. R. Civ. P. 12(a)(1), moving defendants must file a responsive pleading by October 2, 2014.

14. Moving defendants respectfully request an extension to November 3, 2014 to file their responsive pleading to plaintiffs' short form complaint.

WHEREFORE, moving defendants, William A. Anderson, M.D. and The Rothman Institute a/k/a and/or d/b/a The Rothman Institute at Nazareth Hospital, respectfully request that this Honorable Court grant their motion and enter an Order extending the time for moving defendants to file their responsive pleading to November 3, 2014.

Respectfully submitted,

O'BRIEN & RYAN, LLP

/s/  
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Attorneys for Defendants,  
William A. Anderson, M.D.  
and The Rothman Institute a/k/a  
and/or d/b/a The Rothman Institute  
at Nazareth Hospital

DATED: October 2, 2014

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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THE ROTHMAN INSTITUTE a/k/a and/or d/b/a	)	
THE ROTHMAN INSTITUTE AT NAZARETH	)	JURY TRIAL DEMANDED
HOSPITAL	)	

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, upon consideration of the motion for extension to file a responsive pleading to plaintiffs' short form complaint of defendants, William A. Anderson, M.D. and The Rothman Institute a/k/a and/or d/b/a The Rothman Institute at Nazareth Hospital, and any response thereto, it is hereby ORDERED and DECREED that moving defendants' motion is GRANTED. Moving defendants shall file a responsive pleading by November 3, 2014.

BY THE COURT:

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J.

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing.

\_\_\_\_\_/S/\_\_\_\_\_  
BROOK HASTINGS